

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN ADAMS, et al., CASE NO. CV F 02-5741 LJO DBL
Plaintiffs,
vs.

PAUL SPEERS, et al.,
Defendants.

**CLARIFICATION ON RULINGS ON
DEFENDANTS' MOTIONS IN LIMINE**

With their June 9, 2008 letter, plaintiffs request clarification of this Court's rulings on several of defendants' motions in limine. This Court provides the following clarification:

Defendant's Motion In Limine No. 2 To Exclude Evidence Of CHP Findings/Policy Violations Regarding Defendant's Conduct: In that this Court has not been provided with allegations, fact or argument that the police vehicle ramming caused or contributed to the alleged wrongful death, the ruling on the motion applies to the entire case.

Defendant's Motion In Limine No. 3 To Exclude Captain Mick Rotondo's Recommendation: The ruling's preclusive effect includes the protocols referred to in Defendant's Motion in Limine No. 2 but does not preclude protocols concerning the actual shooting or officer positioning at the time of the shooting. Clearly, Captain Rotondo's recommendation is precluded.

Defendant's Motion In Limine No. 5 To Exclude Evidence Of CHP Pursuit Policies: The facts concerning what occurred during the pursuit have never been precluded and are not precluded.

1 Alleged violations of collateral policies having nothing to do with the shooting itself are precluded. The
2 issue whether Officer Speers was authorized to participate in the pursuit is precluded as irrelevant and,
3 even if the issue was relevant, its probative value is substantially outweighed by F.R.Evid. 403
4 considerations of prejudice, confusion and waste of time.

5 **Defendant's Motion In Limine No. 9 To Exclude 14th Amendment Violation:** This Court
6 realizes that based on disputed evidence, it denied Officer Speers summary judgment on plaintiffs'
7 (third) 14th Amendment deprivation of liberty cause of action. At this stage without presentation of
8 evidence at trial, this Court is not in a position to dismiss or remove the 14th Amendment claim. The
9 Court's motion in limine ruling addressed plaintiffs' (second) Fourth Amendment cause of action which
10 appears as the thrust of plaintiffs' constitutional claims. The strategic decision to pursue a Fourteenth
11 Amendment claim remains with plaintiffs, however, the Court will entertain a F.R.Civ.P. 50(a) motion
12 on the claim.

13 IT IS SO ORDERED.

14 Dated: June 10, 2008

15 /s/ Lawrence J. O'Neill
16 UNITED STATES DISTRICT JUDGE
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